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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,872	11/08/2001	John Lin	BP 1907	5330
51472	7590	01/04/2008	EXAMINER	
GARLICK HARRISON & MARKISON P.O. BOX 160727 AUSTIN, TX 78716-0727			ART UNIT	PAPER NUMBER

DATE MAILED: 01/04/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/008,872

Applicant(s)

LIN ET AL.

Examiner

Duc T. Doan

Art Unit

2188

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--


The Appeal Brief filed on 11/02/2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.


HYUNG S. SOUGH
SUPERVISORY PATENT EXAMINER
01/03/08

Continuation of 10. Other (including any explanation in support of the above items): Continue item3. The status of claims is incorrect. The pending claims are 1,3,5-7,11-17 and 20-22. Correction is required,

Continue item 10. Appellant's "Grounds of Rejection to be Reviewed on Appeal" (see page 10 of the Appeal Brief), sets forth the grounds of rejection to be appealed, however the grounds of rejection discussed by Appellant were never asserted by Examiner during prosecution. For example, claim 21 was rejected under 103(a) (Aukland et al-US Pub 2002/0183013, in view of Chrisholm et al -US Patent 5968143, and in further view of Micalizzi Jr, et al-US patent 6434630, and in further view of Fesas, Jr-US Pub 2002/0009075) in the Office Action made FINAL 13 April 2007. Appellant's ground of rejection to be appealed questions whether the particular claim 21 actually rejected under 103(a) with a combination of four references are unpatentable over Aukland et al-US Pub 2002/0183013, in view of Chrisholm et al -US Patent 5968143, and in further view of Micalizzi Jr, et al-US patent 6434630.